

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**UNITED STATES OF AMERICA**

\*

**v.**

\*

**Criminal No. CCB-08-0586**

**JOHN WESLEY ROBINSON, JR.**

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\*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*   \*

**MOTION TO SUPPRESS TANGIBLE AND DERIVATIVE EVIDENCE**

Defendant John Wesley Robinson, Jr. (“Mr. Robinson”), by and through his undersigned counsel, James Wyda, Federal Public Defender for the District of Maryland and Brendan A. Hurson, Assistant Federal Public Defender, hereby moves this Honorable Court, pursuant to Rule 12 (b)(3) of the Federal Rules of Criminal Procedure, to suppress any evidence seized in violation of the Fourth Amendment to the United States Constitution and as grounds states the following:

1. Mr. Robinson is charged in a one (1) count indictment alleging that on or about June 19, 2008, he unlawfully possessed a firearm in violation of 18 U.S.C. § 922(g).
2. Discovery indicates that Mr. Robinson was arrested by state authorities following the stop of a vehicle he was operating. Pursuant to this stop and seizure, law enforcement officers allegedly seized evidence the government will introduce in its case in chief at trial. Specifically, officers recovered the firearm he is alleged to have unlawfully possessed. In addition, Mr. Robinson may have given statements to authorities in connection with this arrest.
3. This initial stop, arrest, and any accompanying seizures were made without

reasonable suspicion or probable cause and in violation of Mr. Robinson's rights under the Fourth Amendment to the United States Constitution. Even assuming, arguendo, the legality of this initial stop, the subsequent detention of Mr. Robinson was unlawful and thus the fruits of this detention, specifically the firearm, must be suppressed. Accordingly, all evidence seized in connection with his arrest should be suppressed as the arrest was unlawful.

4. Because investigation of this case is incomplete, Mr. Robinson reserves the right to move for suppression of evidence based on grounds not now discernible. Moreover, Mr. Robinson reserves the right to supplement this motion with additional arguments and information.

WHEREFORE, Mr. Robinson requests that this Court grant an Order of Suppression on the grounds alleged herein and any other ground that may become apparent upon a hearing on the motion.

Respectfully submitted,

JAMES WYDA  
Federal Public Defender

/s/  
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BRENDAN A. HURSON (Bar # 28179)  
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**POINTS AND AUTHORITIES**

1. Illinois v. Gates, 462 U.S. 213 (1983).
2. Fourth Amendment to the United States Constitution.
3. United States v. Mendenhall, 446 U.S. 544, 551-52 (1980).

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/s/  
BRENDAN A. HURSON  
Assistant Federal Public Defender

**REQUEST FOR HEARING**

Pursuant to Rule 105.6 of the Local Rules of the United States District of Maryland, a hearing is requested on the defendant's Motion.

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/s/  
BRENDAN A. HURSON  
Assistant Federal Public Defender